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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,135	02/19/2004	Brent M. Nowak	074372.0102	5207
31625	7590	12/28/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			TANG, SON M	
			ART UNIT	PAPER NUMBER
			2632	

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/782,135

Applicant(s)

NOWAK ET AL.

Examiner

Son M. Tang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2 and 4-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 11/14/05.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 recites the limitation "the tool tracking subsystem" in line 1. There is insufficient antecedent basis for this limitation in the claim. There is no "tool tracking subsystem" there is merely claimed "tools tagging subsystem".

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4 and 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari [US 6,804,578] in view of Swatz et al. [US 2003/0132298; Swatz].

**Regarding to claims 1, 13-14 and 16-18:** Ghaffari discloses a system for monitoring assets and personnel associated with a business enterprise (see Fig. 1-2A) comprising:

- RFID tags (20) placed on various materials and products,
- a plurality tagging subsystems (18') for querying the RFID tags (20) for receiving tag data, and a personnel tracking devices "personnel badges" is carried by personnel [see col. 3, lines 5-13, and 34-45, and col. 4, lines 34-36], the monitor system includes portal scanners (100) and mobile scanners (38) [see Fig. 5, col. 14, lines 16], wherein each RFID tag contains a

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database for storing tag data, and tag data being collected by the subsystem readers 18' and communicate with a command and control subsystem (14), wherein a command and control subsystem for integrating the materials, products and personnel databases and has a monitoring station 16 [see Fig. 1].

**Ghaffari** does not specifically disclose 1) a tools tagging, and 2) geolocation personnel tracking devices.

1) **Ghaffari** has stated that the objects being monitored are not limited to a specific class or category of objects, which include an object's identification (col. 3, lines 37-40 and col. 4, lines 35-39). Therefore, it would have been obvious to one having ordinary skill in the art that objects can be included the tools or any other items being monitored in the area.

2) **Ghaffari** teaches that monitoring system is capable of locating, tracking and communicating with the personnel at any time, thus it is obvious to one ordinary skill in the art that by knowing the personnel location information, the geolocation must be included.

**Ghaffari** does not specifically disclose that the personnel tracking devices are able to read RFID tags on tools or materials. **Swartz** teaches a portable terminal (70) that carry by user, wherein the portable terminal has a combination of a location tracking feature (710) and a tag scanner device (704), although, the tag scanner device is not specific to RFID tag scanner, however, as long as the scanner device is being able to read the tag, it is obvious to one skill in the art to be able to modify the bar code scanner to RFID scanner as user desired. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement a scanner with the location tracking device as taught by Swartz into the system of

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Ghaffari, for the benefit of convenience and less cost, since one device can be able to perform two functions.

**Regarding to claim 4:** Ghaffari and Swartz disclose all the limitations as described above, except for specifically mention wherein the personnel tracking subsystem is implemented as a wireless ad hoc network. Since, ad hoc network is known for relaying data information from one node to the next, therefore Examiner takes Official Notice that ad hoc network is a known method in communication art.

**Regarding to claims 10-11:** Ghaffari and Swartz disclose all the limitations as described above, Ghaffari further teaches that the monitoring system is communicating with personnel for better accomplish the aforementioned real time total asset visibility of an area being monitored [col. 3, lines 10-13 and bi-directional communication cited at col. 8, lines 65-67 to col. 9, lines 1-3] that constitute of an actuator operable in response to communications from the command and control subsystem in response to input from a two way communications personnel tracking device as claimed. Further more, personnel portable terminal 70 of Swartz also a two-way communication device. Therefore, it is obvious that the location of a portable terminal is being communicated to monitoring station in two-way communication.

**Regarding claim 15:** Ghaffari and Swartz disclose all the limitations as described above, Swartz further teaches of using LAN communication with the central computer [see ¶ 0041].

**Regarding claims 2, 12:** Ghaffari and Swartz disclose all the limitations as described above, Swartz further teach that using of a IP protocol communication method in the system [see ¶ 0041-0042].

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5. Claims **5-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari in view of Swartz et al. above, and further in view of Schwartz et al. [US 2004/0095239; Schwartz].

**Regarding to claim 5-8:** Ghaffari and Swartz disclose all the limitations as described above, except for not specifically teaching a maps database and clickable icons on the map that the command and control subsystem is operable to access the locations of materials and tools based on input from the readers. Schwartz teaches the computerized risk management program comprises a map database that display the location of item, including a clickable icon that allows user to view the item location on the map [see Fig. 2, 4 and ¶ 0051-0054]. It would have been obvious of one having ordinary skill in the art at the time of the claimed invention to implement the map database with clickable icons as taught by Schwartz into the system of the combination above, for the benefit of easy to identify the location.

6. Claim **9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Ghaffari in view of Swartz et al. above, and further in view of Gaukel [US 6,100,806].

**Regarding to claim 9:** Ghaffari and Swartz disclose all the limitations as described above, except for not specifically teaching that the personnel tracking devices are equipped with at least one environment sensor. Gaukel teaches the individuals tracking device (20) comprises an environmental sensor (21, 24 and 23). It would have been obvious of one having ordinary skill in the art at the time of the claimed invention, to employ the environmental sensor as taught by Gaukel in the tracking device of the combination above, for the benefit of being able to identify the condition around the personnel at the monitoring area.

*Response to Arguments*

7. Applicant's arguments, filed 10/14/05 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Swartz.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son M. Tang whose telephone number is (571)272-2962. The examiner can normally be reached on 4/9 First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on (571)272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Tang

  
**BENJAMIN C. LEE**  
**PRIMARY EXAMINER**